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IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

ROBERT L. STEVENS,

Petitioner,

vs.

GATEWAY TRANSPORTATION COMPANY and LOCAL 710, INTERNATIONAL BROTHERHOOD OF TEAMSTERS,

Respondents.

—Consolidated With—

AIELT EVANS,

Petitioner,

vs.

MAISLIN TRANSPORT, LTD. (formerly GATEWAY TRANSPORTATION COMPANY, INC.) and LOCAL UNION 710 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

BRIEF IN REPLY TO BRIEF OF RESPONDENT COMPANY

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BRIEF IN REPLY TO BRIEF OF RESPONDENT COMPANY

REASONS IN REPLY FOR GRANTING THE WRIT

The Petitioners' Brief in Reply to the Union's Brief applies to many of the points raised by the Company in its Brief, and, to avoid duplicity in reading by the Court, is hereby adopted in this Brief.

The Company emphasizes, "relatively rapid disposition of labor disputes." In *Mitchell*,[1] the Supreme Court was fully aware of "relatively rapid disposition" when it stated, "Obviously if New York had adopted a specific 6 year Statute of Limitations for employee challenges to awards of a joint panel or similar body we would be bound to apply that Statute under the reasoning of *Hoosier Cardinal*." Therefore, the Supreme Court places more emphasis on this rule than the doctrine of "relatively rapid disposition."

Referring to Supreme Court Rule 17, it is obvious that where the Seventh Circuit and other circuits have rendered decisions contrary to the decision in *Mitchell*, there is a compelling ground for granting a Writ of Certiorari.

The Company refers to *Del Costello v. International Brotherhood of Teamsters*, 679 F.2d 879, where certiorari has been granted. This case deals chiefly with *Mitchell*, and the retroactivity of a Statute of Limitations.

The Company also refers to *Flowers v. Local 2602*, 671 F.2d 87, where certiorari has been granted. This case also deals chiefly with *Mitchell*, and we respectfully urge this Court to restate and reaffirm *Mitchell* in the above cited cases in the case at bar.

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[1] *United Parcel Service, Inc. v. Mitchell*, 451 U.S. 56.

CONCLUSION

For the foregoing reasons, Petitioners respectfully ask this Honorable Court to grant its Writ, directed to the United States Court of Appeals for the Seventh Circuit, and, upon doing so, to reaffirm *Mitchell* and to reverse the decisions of the Seventh Circuit and to remand these cases for trial.

Respectfully submitted,

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